

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Energy and Environment



United States Environmental Protection Agency
Freedom of Information Officer

January 31, 2018

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA) promulgated at 5 U.S.C. § 552, the Department of Energy and Environment (Department or DOE) requests copies of public records pertaining to 63 facilities that may be sources of contamination in the Anacostia River and its tributaries. The Anacostia River watershed covers portions of the District of Columbia, Prince Georges County, MD and Montgomery County, MD. The request seeks all relevant documents, including historical documents, in U.S. EPA's possession, custody, or control.

This request comes after an informal process, started in February 2017, in which the Department worked with U.S. EPA staff to obtain the documents that are subject to the request. This request officially documents the scope of the request, enabling both parties to keep a record of the request such that future duplicative information requests to either agency can refer to the request and the produced documents.

The attached spread sheet contains detailed information about the 63 facilities, including the facility name, location, parties associated with the facility, and where possible, EPA ID numbers and facility ID numbers. With respect to the attached list, the Department request EPA's records related to each facility, including:

1. Documents issued under the Clean Water Act, including spill reporting and discharge permits (discharges under § 402 specific and nationwide permits);
2. Documents prepared under the Comprehensive Environmental Response, Compensation, and Liability Act including release notifications, preliminary assessments, site inspections, site investigations, environmental assessments, remedial investigation reports, feasibility study reports, NPL listing documents, no further response action planned (NFRAP) determinations and records of decisions;
3. Facility permits, facility inspections, corrective measures reports, and corrective action reports prepared under the Resource Conservation and Recovery Act;
4. Pesticide registrations under the Federal Insecticide, Fungicide, and Rodenticide Act;
5. Releases and spill/facility response plans prepared under the Oil Pollution Act;
6. Chemical data reporting and self-implementing cleanup reports under the Toxic Substances Control Act; and
7. Inspection and enforcement documents including inspection reports, notices of violations, fines, consent decrees, administrative orders on consent, and other enforcement documents.

As it relates to Clean Water Act documents (#1 and #7 above), in addition to the facilities on the attached list, the Department also request relevant documents for point sources that discharge into the Anacostia River or its tributaries and are owned or managed by the District of Columbia Water and Sewer Authority (DC Water), Prince George's County, or the Washington Suburban Sanitary Commission.

I request a fee waiver because disclosure is in the public interest: it will contribute significantly to the public's understanding of Anacostia River contamination issues. Additionally, the requested documents will assist DOE's and the United States National Park Service's investigation and cleanup of the Anacostia River's contaminated sediments. The requested documents are not sought for commercial purposes.

The Freedom of Information Act requires a response to this request within 30 days. If access to the records I am requesting will take longer, please contact me with information about when I might expect copies of the requested records. If you deny any or all of this request, please reference each specific exemption used as the basis for the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Sincerely,



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